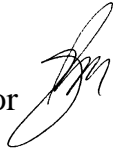


# COUNTY OF YORK

## MEMORANDUM

**DATE:** July 6, 2006 (BOS Mtg. 7/18/06)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator 

**SUBJECT:** Application No. UP-702-06, John M. Engbersen

### ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a 620-square foot accessory apartment in conjunction with a single-family detached dwelling on a 1.22-acre parcel located at 213 Parchment Boulevard (Route 1142) and further identified as Assessor's Parcel No. 15-11-29B.

### DESCRIPTION

- Property Owner: John M. Engbersen Et ux
- Location: 213 Parchment Boulevard (Route 1142)
- Area: 1.22 acres
- Frontage: 182 feet along Parchment Boulevard
- Utilities: Public water and public sewer
- Topography: 20% slope rising from the southeast corner to the northwest corner, flattening out slightly to the rear of the property
- 2025 Land Use Map Designation: High Density Residential
- Zoning Classification: R13–High Density Single-Family Residential
- Existing Development: Single-family detached home
- Surrounding Development:
  - North: Single-family detached home on Drew Road (Carver Gardens subdivision) and single-family detached home on Parchment Boulevard (Callahan Village subdivision)
  - East: 2.86-acre common area parcel for Callahan Village
  - South: 1.01-acre common area parcel for Callahan Village

West: Jack Rabbit Self Storage (fronting on Merrimac Trail) and three single-family detached homes on Drew Road (Carver Gardens subdivision)

- Proposed Development: Detached garage with second floor accessory apartment and downstairs toilet and sink.

## **CONSIDERATIONS/CONCLUSIONS**

1. The subject parcel is approximately one and a quarter acres in size and is occupied by a single-family detached dwelling. The parcel slopes uphill from the southeast to the northwest and has numerous trees on the southeast side due to the existence of a perennial stream and Chesapeake Bay Resource Protection Area (RPA). The proposed detached garage will be located approximately 20 feet from the RPA boundary and will be approximately 30 feet to the southeast of the single-family home. Because the property falls within the Resource Management Area overlay and the detached structure is close to the boundary for the RPA, a natural resource inventory will be required during the building plan and permit approval process.
2. The properties to the west and north are occupied single-family detached dwellings and are separated from the applicant's property by a six-foot wood slat fence. The properties to the east and south are common areas for Callahan Village and are heavily wooded. To the south is the mini storage warehouse facility, which has a substantial tree buffer adjoining the applicant's property.
3. Accessory apartments in detached structures are permitted in the R13 district with a Special Use Permit, provided the floor area of the accessory apartment does not exceed 800 square feet or 35% of the floor area of the principal dwelling, whichever is less. The principal dwelling on the property currently contains 1,558 square feet of floor area, such that the floor space of the apartment would equal about 38% of the floor space of the principal dwelling; however, the applicant has stated he will convert the existing garage (314 square feet) to living space, bringing the future floor area of the principal dwelling to 1,872 square feet. The proposed accessory apartment would contain approximately 620 square feet of habitable floor area (see table), or 33% of the future principal dwelling unit's floor area (Note: the square footage mentioned in the resolution has been rounded up to 620 recognizing that the conceptual plans are not precise). The Virginia Uniform Statewide Building Code definition of habitable space does not include areas such as, closets, stairways, and elevators; therefore, these the floor area calculations do not include these spaces. The proposed approval conditions would require the conversion of the existing garage to living space before the issuance of a certificate of occupancy for the apartment and also that the

Room	Habitable Square Footage
Family room	287
Bedroom	121
Kitchen	99
Hall	32
Upstairs bathroom	48
<b>Total</b>	<b>587</b>

downstairs bathroom in the proposed garage cannot be constructed to have a tub or shower. The applicant indicated in his narrative that an immediate family member would occupy the apartment as a residence.

4. The subject property can accommodate both the principal residence parking requirement (two spaces) and the proposed accessory apartment (two spaces). The single-family dwelling driveway has a parking area measuring approximately 10 feet in width and 40 feet in length; however, the applicant plans on removing the existing driveway and replacing it with a circular driveway that will connect to the detached garage. Since the minimum parking space dimensions in York County are 9 feet by 18 feet, the parking areas and proposed future parking areas described should accommodate four cars.
5. Performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance. These limit the maximum number of accessory apartments to one per single-family detached dwelling, require adequate provisions for off-street parking, require occupancy only by family members or guests of the occupant of the principal dwelling, and prohibit the apartment from being rented separate from the principal dwelling. These standards have been included as conditions in the approving resolution.
6. The property is not subject to homeowners' covenants, nor does it fall under the jurisdiction of an established homeowners' association.

#### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission considered this application at its June 14 meeting and, subsequent to conducting a public hearing voted 6:0 (Mr. Barba absent), to recommend approval.

#### **COUNTY ADMINISTRATOR RECOMMENDATION**

Given the above-noted standards, I am of the opinion that the subject parcel can accommodate the proposed accessory apartment with no adverse impacts on adjacent properties or County infrastructure. Therefore, I am recommending that the Board of Supervisors approve the application through the adoption of proposed Resolution No. R06-99.

Carter: 3337/EWA

Attachments

- Excerpts of Planning Commission minutes, June 14, 2006
- Zoning map
- Applicant narrative
- Sketch plan
- Floor plan
- Elevation
- Proposed Resolution No. R06-99